

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ADRIENNE BENSON and MARY
SIMONSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

DOUBLE DOWN INTERACTIVE, LLC, a
Washington limited liability company, and
INTERNATIONAL GAME TECHNOLOGY,
a Nevada corporation, and IGT, a Nevada
corporation,

Defendants.

Case No. 18-cv-00525-RSL

**STIPULATED MOTION RE:
SETTLEMENT FUND; [PROPOSED]
ORDER**

NOTE ON MOTION CALENDAR:

November 11, 2022

STIPULATED MOTION RE: SETTLEMENT FUND

The Parties' contemporaneously-filed Settlement Agreement reserved for the Court's resolution a dispute as to the timing of the establishment of the Settlement Fund. *See* Settlement Agreement Recital HH at p. 5. The Parties have now reached a compromise resolving that dispute. Consequently, the Parties respectfully request that the Court enter the attached [Proposed] Order effectuating their compromise. Specifically, the Parties have agreed that:

1. Fourteen days after the Court's entry of preliminary approval, each of (i) DoubleDown, and (ii) the IGT Defendants shall make a First Payment of fifty million dollars (\$50,000,000) into the Settlement Fund, such that the Settlement Fund shall then have one hundred million dollars (\$100,000,000) in it. Defendants shall make the First Payments by initiating a wire transfer to the Settlement Administrator on the fourteenth day after the Court's entry of preliminary approval. The Settlement Administrator shall provide wire transfer instructions to Defendants on or before the date of preliminary approval.
2. Plaintiffs shall cause the Settlement Administrator to invest the First Payments in the Settlement Fund, net of the costs of notice, into 26-week maturity United States treasury bills within seven days of receipt of the First Payments.¹ If the "High Rate" published on treasurydirect.gov in connection with the auction for 26-week treasury bills that occurs immediately following the date on which the Court issues preliminary approval (*i.e.*, the Monday or Tuesday following the Court's order) is less than 3.5 percent, then Defendants shall have the right to withdraw from this Stipulation. Following the investment of the First Payments, the Settlement Administrator shall provide written confirmation to Defendants regarding the details of the investment and that the investment was made.
3. Interest and/or yield earned on the First Payments shall be applied to reduce the amount of the Final Payments owed by the Defendants following final approval, as calculated below.
4. Within fourteen days of the Court's entry of final approval, each of (i) DoubleDown, and (ii) the IGT Defendants, shall make a Final Payment into the Settlement. The amount of each Final Payment shall be calculated as (i) the amount of that Defendant's individual contribution responsibility, as set forth in Section 1.37 of the Settlement Agreement, (ii) minus half of the total value² of the Settlement Fund as of fourteen days after the Court's entry of final approval.

¹ In the event that the Court does not enter final approval before the 26-week maturity United States treasury bills have matured, the Settlement Fund shall then be placed in money-market United States treasury bills.

² The total value of the Settlement Fund as of fourteen days of the Court's entry of final approval shall be calculated by the Settlement Administrator, subject to the Court's review should any party object. The total value shall be calculated by the Settlement Administrator as the sum of (i) the notice costs paid and deducted from the Settlement Fund pursuant to Paragraph 2 above, plus (ii) the value of the Settlement Fund immediately prior to the Final Payments, assuming—even if the 26-week maturity United States treasury bills have not yet matured—that all yield to be earned by the treasury bills were evenly distributed across the term of those treasury bills.

5. In the event that the Court enters an order denying with prejudice final approval of the Settlement Agreement, all money in the Settlement Fund, including all interest and/or yield earned, shall be returned in equal amounts to DoubleDown and the IGT Defendants.

Pursuant to Local Civil Rule 10(g), the Parties respectfully request that the Court grant this stipulation and enter the attached [Proposed] Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 11th day of November, 2022.

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*Attorneys for International Game Technology and
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[PROPOSED] ORDER

Pursuant to Stipulation, it is SO ORDERED.

IT IS SO ORDERED.

DATED this _____ day of _____, 2022.

ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE